

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case Nos. 3:21-cr-0023
)	
CESAR THOMAS-LEVERET,)	
)	
Defendant.)	
)	

ORDER

THIS MATTER came before the Court for a telephonic pretrial status conference¹ concerning Defendant Cesar Thomas-Leveret ("Thomas-Leveret") held on November 8, 2022. This matter is currently set for Jury Selection and Trial for November 14, 2022. However, Thomas-Leveret is requesting a continuance in order to finalize and execute the plea agreement. Thomas-Leveret waived any rights to a speedy trial under the Speedy Trial Act. After careful consideration and for good cause, the Court will grant Thomas-Leveret's request to continue the trial date.

While the Speedy Trial Act requires that defendants be tried within seventy days from the public filing of the charging document, the Act specifically excludes:

Any period of delay resulting from a continuance granted by any judge on his own motion or at the request of the defendant or his counsel or at the request of the attorney for the Government, if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

18 U.S.C. § 3161(h)(7)(A). Consistent with these concerns, the United States Court of Appeals for the Third Circuit has recognized that "whether or not a case is 'unusual' or 'complex,' an 'ends of justice' continuance may in appropriate circumstances be granted," including "to permit plea negotiations to continue." *United States v. Fields*, 39 F.3d 439, 45 (3d Cir. 1994).

¹ Defendant Matthew Hazel was adjudged guilty on September 13, 2022, based on his plea agreement. (ECF No. 158.) Magistrate Judge's Reports and Recommendations concerning Defendant Lodwin Ashton's plea of guilty (ECF No. 175), Defendant Jose Solano's plea of guilty (ECF No. 278) and Defendant Andrew Wilson's plea of guilty (ECF No. 186) are pending.

United States of America v. Thomas-Leveret

Case No. 3:21-cr-0023

Order

Page 2 of 2

Here, an extension of time is necessary to give Thomas-Leveret sufficient time to meet with his counsel to finalize and execute the plea agreement that he has been negotiating with the Government. The Court finds that the ends of justice is served by extending the period in which the trial must begin in this matter outweigh the best interest of the public and the Defendant in a speedy trial.

The premises considered, it is hereby

ORDERED that Thomas-Leveret's unopposed motion to continue the trial date is **GRANTED**; it is further

ORDERED that the time beginning from the date of this order granting continuance pending further order of the Court shall be excluded in computing the time within which the trial in this matter must be initiated pursuant to 18 U.S.C. § 3161; it is further

ORDERED that Thomas-Leveret shall file his speedy trial waiver no later than November 21, 2022; it is further

ORDERED that the case shall be removed from the trial calendar; and it is further

ORDERED that the parties shall file a Notice with the Court advising of the status of the case no later than November 28, 2022.

Dated: November 8, 2022

/s/ Robert A. Molloy

ROBERT A. MOLLOY

Chief Judge